

MUIRHEAD AND SATURNELLI, LLC*Specializing in Intellectual Property Law*

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Examiner Christopher Grey

USPTO-Art Unit 2667

571-273-8300

FROM**DATE****TOTAL NUMBER OF PAGES
INCLUDING THIS PAGE**

Anne E. Saturnelli

April 12, 2006

3

Comments:

For U.S. Application Serial No. 09/814,642. PLEASE CHARGE REQUIRED FEE OF \$130
TO DEPOSIT ACCOUNT NO. 050889. Thank you.

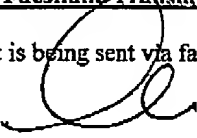
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|---|---|----------------------------|
| Applicant: | Jeremy J. O'Hare, et al., | : | |
| Serial No.: | 09/814,642 | : | Examiner: Christopher GREY |
| Filed: | March 22, 2001 | : | Art Unit: 2667 |
| For: | MULTIPATH MULTI HOP REMOTE DATA FACILITY | : | Atty. Docket: EMS-01501 |

Certificate of Facsimile Transmission

I hereby certify that the foregoing document is being sent via facsimile to Examiner Christopher Grey, at 571-273-8300, on April 12, 2006.



Anne E. Saturnelli

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

Attached is a Terminal Disclaimer for the above-referenced application. Please charge the required fee of \$130 to our Deposit Account No. 050889.

In addition, please direct all telephone calls for this application to Anne E. Saturnelli at 508-898-8604.

Respectfully submitted,
MUIRHEAD AND SATURNELLI, LLC

April 12, 2006
Date



Anne E. Saturnelli
Registration No.: 41,290

Muirhead and Saturnelli, LLC
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Suite 1001
Westborough, MA 01581

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------------|---|-------------------------------|
| In re application of | : | |
| Jeremy J. O'HARE et al. | : | |
| Application. No.: 09/814,642 | : | Art Unit: 2667 |
| Filed: March 22, 2001 | : | Examiner: Christopher P. Grey |
| For: MULTIPATH MULTI HOP REMOTE | : | Docket No.: EMS-01501 |
| DATA FACILITY | : | |

TERMINAL DISCLAIMER

Commissioner for Patents
Alexandria, VA 22313-1450

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Sir:

Petitioner, EMC Corporation, owner of 100% of the above-referenced application by virtue of an Assignment from the inventors recorded at reel 010890, frame 0847, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of U.S. Patent No. 6,697,367 issued on February 24, 2004, (hereinafter, "the Other Patent"). Petitioner hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that it and the Other Patent are commonly owned. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of the Other Patent in the event that the Other Patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

Respectfully submitted,
Muirhead and Saturnelli, LLC

Date: April 12, 2006

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